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PUBLIC ATTITUDES TOWARD ILLEGITIMACY IN ALBERTA

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PUBLIC ATTITUDES TOWARD ILLEGITIMACY IN ALBERTA

A REPORT TO
ALBERTA HEALTH AND SOCIAL DEVELOPMENT

Prepared by:
Michael E. Manley-Casimir, Coordinator of Research
L. W. Downey Research Associates Ltd.
Edmonton, Alberta

The commissioning of this study by Alberta Health and Social Development does not imply concurrence with the views expressed in the report. L. W. Downey, Research Associates Ltd. bears sole responsibility for the entire report.

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FOREWORD

In May 1973 the Department of Health and Social Development, responding to rising interest in reform of the law respecting illegitimacy, commissioned L.W. Downey Research Associates Ltd. to conduct an in-depth survey of public attitudes towards illegitimacy and the legal status of the illegitimate child in Alberta. This survey was designed to complement research now underway at the Institute of Law Research and Reform on possible legislative changes regarding illegitimacy.

The purpose of the study was to establish, through survey research techniques, whether or not contemporary public opinion favours significant changes in the law respecting illegitimacy. More specifically, the study sought to discern the relationship between current legislation and public attitudes towards illegitimacy in Alberta, and to develop recommendations for changes.

This report is the outcome of the study. It is organized in six sections. Section I defines the scope of the study and justifies the use of a survey in considering legal change. Section II reviews briefly the emergent values and attitudes reflected in incipient social trends in Alberta. Section III sketches the problem of illegitimacy in Alberta through available descriptive statistics. Section IV reports the findings of the survey of public attitudes.

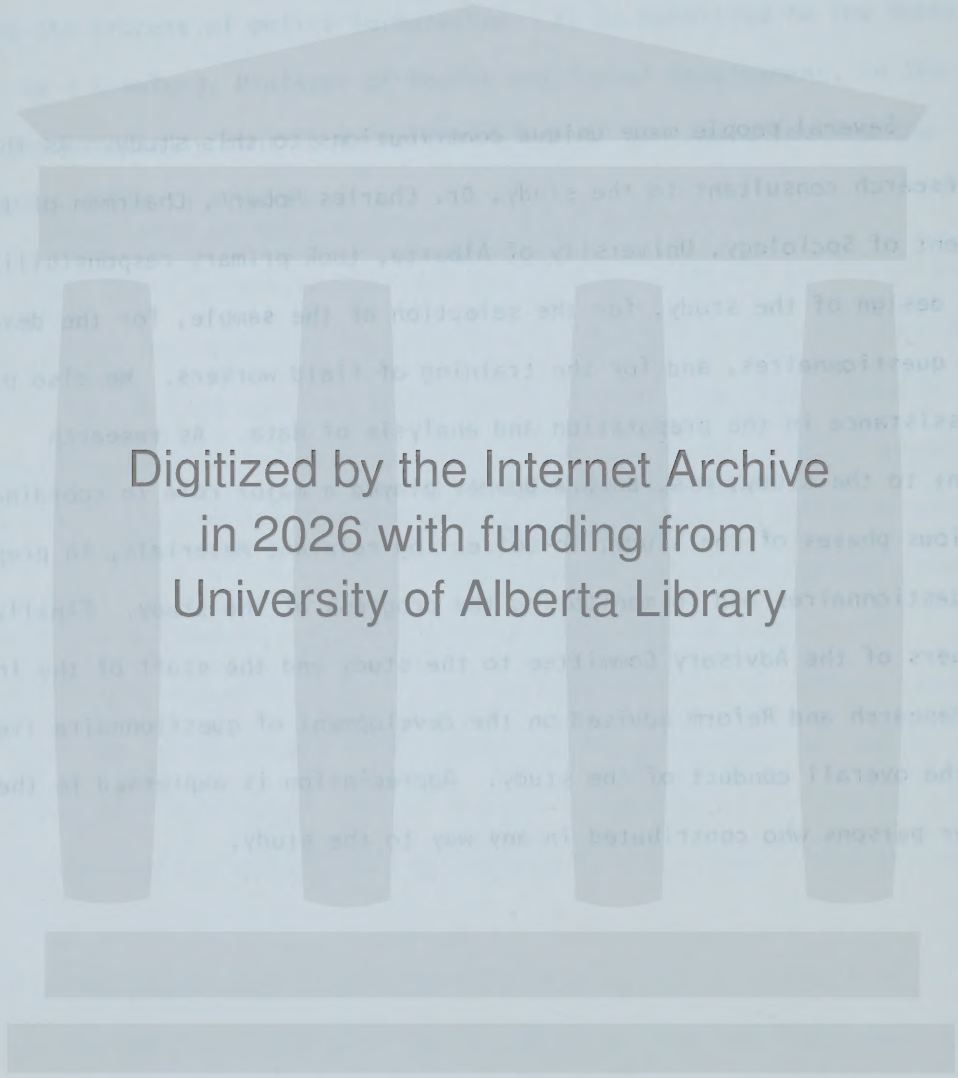
Section V articulates some principles to guide action. Finally, Section VI develops the implications of the study and makes recommendations for change. The report is, in effect, a policy paper -- as such it serves its purpose by informing the process of policy formulation. It is submitted to the Honourable Mr. Neil Crawford, Minister of Health and Social Development, in the hope that it may materially contribute to the reform of the law affecting the illegitimate child in Alberta.

M.E. MANLEY-CASIMIR

December, 1973

ACKNOWLEDGEMENTS

Several people made unique contributions to this study. As the major research consultant to the study, Dr. Charles Hobart, Chairman of the Department of Sociology, University of Alberta, took primary responsibility for the design of the study, for the selection of the sample, for the development of questionnaires, and for the training of field workers. He also provided assistance in the preparation and analysis of data. As research assistant to the study, Mrs. Barbra Downey played a major role in coordinating the various phases of the study, in collecting relevant materials, in preparing draft questionnaires and in monitoring the progress of the study. Finally, the members of the Advisory Committee to the study and the staff of the Institute of Law Research and Reform advised on the development of questionnaire items and on the overall conduct of the study. Appreciation is expressed to these and other persons who contributed in any way to the study.



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PUBLIC ATTITUDES TOWARD ILLEGITIMACY IN ALBERTA

I.

LAW AND SOCIAL POLICY

What policy should the Government of Alberta adopt with respect to the laws governing illegitimacy? Should existing laws be changed? And if so, how? These are fundamental questions of social policy facing the government and the people of Alberta. These questions invite a prescriptive response -- one that lays out an integrated, coherent and defensible proposal for legislative reform of the laws respecting illegitimacy. Such a proposal is beyond the scope of this report. This report has a more modest goal; it is to document the attitudes of Albertans towards illegitimacy and illegitimacy laws. Such documentation is designed to yield both reliable information on public attitudes and an assessment of the climate of public opinion on the issue. This knowledge can then be used by policy-makers in their deliberations on new policy. This report, in conjunction with the legal analysis being conducted at the Institute of Law Research and Reform, may then serve as an element in the process of formulating a new provincial policy and subsequent legislation.

Why tap public attitudes on illegitimacy? Why not just change the law? There are several good reasons for surveying public attitudes before changing legislation.

First, a survey documents the need for change. The law is an instrument of public policy. It is forged in the crucible of public debate and

presumably reflects public attitudes towards a given issue at the time of its passage. But public attitudes change over time as social values change and the law, rooted as it is in the attitudes and values of the past, inevitably becomes out-of-step with emergent attitudes. A survey can establish whether existing legislative provisions are compatible with prevailing public attitudes or whether there is a discrepancy between the two, and if so the magnitude of the discrepancy. Thus the survey can indicate whether major or minor legislative reform is required.

Second, a survey establishes the extent of public readiness to change. For a law to be effective, for its intent to be observed, "... there must be some minimum social acceptance or toleration of the law's direction."[1] Tapping public opinion on illegitimacy yields an indication of public acceptance or toleration for changes in law; in effect it provides a measure of public readiness to change and an indication of the zone of public acceptance. These factors may also influence the political feasibility of legislative revision.

Third, a survey gives a representative sample of the people of Alberta an opportunity to express their views on a socially significant issue and to have their views considered before new legislation is framed or introduced. Such a procedure is compatible with increasing public demand for consultation and participation in the process of government. In this way legislative revision can bring the law back into step with prevailing public attitudes and contemporary social values.

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1. Karl D. Zukerman, "Social Attitudes and the Law" in The Double Jeopardy, The Triple Crisis — Illegitimacy Today (New York: National Council on Illegitimacy, 1969), p. 70.

II.

SOCIAL VALUES AND ATTITUDES

Krause begins his definitive study of illegitimacy with this quotation:

> The bastard, like the prostitute, thief, and beggar, belongs to that motley crowd of disreputable social types which society has generally resented, always endured. He is a living symbol of social irregularity, and undeniable evidence of contramoral forces; in short, a problem - a problem as old and unsolved as human existence itself.1

Historically, the illegitimate child has been subject to legal and social discrimination but its form has varied from place to place, from time to time. Roman law denied the illegitimate child a legal relationship with his father but ultimately recognized the child's legal relationship with his mother. In contrast, in medieval Central Europe the illegitimate child had no legal relationship with either father or mother and was essentially rightless. In England, the common law declared the illegitimate child "filius nullius" meaning "no one's son". The chief consequence of this status was that the illegitimate child could not inherit. Otherwise, as Krause points out, "illegitimacy seems to have had no serious legal consequences". In contrast to attitudes in Central Europe, Krause observes that English attitudes towards illegitimacy seem to have been relatively liberal. Still, the doctrine of "filius nullius" has persisted

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1. Davis, "Illegitimacy and the Social Structure", American Journal of Sociology XLV (1939), p. 215. Cited in Harry D. Krause, Illegitimacy: Law and Social Policy (New York: Bobbs-Merrill, 1971), p. 1. This section draws heavily on Krause's introductory discussion, pp. 1-7, and pp. 175-179.

and has effectively denied the illegitimate child legal equality with the legitimate child. It has, moreover, substantially influenced the legal status of the illegitimate child in those countries, like English Canada, whose legal systems derive from English Common Law.

Reform of the law affecting illegitimate children has occurred largely in this century. Concern with extending legal equality to the illegitimate child is reflected in most reform efforts. Norway led the way in 1915 by affirming substantial equality for illegitimate children in their legal relationship to both mother and father. This statute was subsequently superceded in 1956 with a law abolishing all remaining legal distinctions between legitimate and illegitimate children. Other Scandinavian countries, notably Denmark and Sweden, have also moved to accord equal rights to the illegitimate child. In the United Kingdom the Family Law Reform Act of 1969 granted the illegitimate child the right of intestate succession to his father as well as his mother. New Zealand law accords equivalent legal status to the illegitimate and legitimate child. In the United States the liberal trend has been concerned with extending to illegitimate children the same care and legal and social rights enjoyed by their legitimate counterparts. For example, an increasing number of states no longer record illegitimate status on birth records. Several states, notably North Dakota, Arizona, Oregon, and Alaska have enacted legislation affirming equality for the illegitimate child.

In spite of these liberal trends the legal and social inequality of the illegitimate child persists in many jurisdictions. Alberta law still discriminates against the illegitimate child. Legislation in Alberta now recognizes the legal relationship between the mother and the illegitimate child, but only recognizes the relationship between the father and the illegitimate child in limited circumstances. In general, the illegitimate child in Alberta is still legally and socially disadvantaged because of his birth status.

INCIPIENT SOCIAL TRENDS

Why is the legal and social status of the illegitimate child a concern at this time? Several reasons can be adduced to answer the question.

First, the issue of legal and social equality is becoming increasingly important in a society committed to individual and social justice. The importance ascribed to equality is reflected in landmark legislation like The Individual's Rights Protection Act proscribing discrimination in a number of areas of social opportunity on the basis of irrelevant personal characteristics like race. It is also reflected in increasingly strident demands for equality from minority groups of all complexions and persuasions.

Second, the climate of public opinion appears to becoming more liberal on related matters of social policy. Recent changes in legislation have liberalized policy on contraception and the sale of contraceptive devices, and on therapeutic abortion. There now appears to be public acceptance of these fundamental policy changes.

Third, our society is witnessing the emergence of alternative lifestyles associated with the counter-culture movement of the sixties. Single parent families and extended "commune" families are becoming more common and seem to be enjoying a measure of public toleration, if not active support.

Of these factors, other than the demand for equality, the most directly relevant to the question of illegitimacy is the emergence of the single parent family -- particularly, the situation where the mother of an illegitimate child elects to keep her child rather than surrender it for adoption. The illegitimate child who is legally adopted or who is legitimated by his parents' subsequent marriage assumes full legal equality with the child born in wedlock. But if the

unmarried mother elects to keep her child as it seems an increasing number of mothers are doing[1], and if she does not subsequently marry the child's father, her child remains illegitimate with concomitant legal and social disadvantages. Hence the legal status of the illegitimate child is an important matter of public policy.

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1. Carole Klein, The Single Parent Experience (New York: Walker and Company, 1973).

III.

ILLEGITIMACY IN ALBERTA

HISTORICAL PERSPECTIVE

Historically, the rate of illegitimacy in Alberta has been equal to or greater than the national rate. (Table 1)

TABLE 1.

AVERAGE ILLEGITIMACY RATES, CANADA AND ALBERTA, 1921-1971 (Per Cent of Live Births)

		Canada	Alberta
Average --	1921-1925	2.2	2.1
	1926-1930	3.0	3.0
	1931-1935	3.6	3.7
	1936-1940	3.9	3.9
	1941-1945	4.2	4.5
	1946-1950	4.0	5.0
	1951-1955	3.8	4.8
	1956-1960	4.0	5.2
	1961-1965	5.4	7.6
	1966-1970	8.7	11.8

Source: Statistics Canada

For the inter-war period (1921-1940) the Alberta rate closely paralleled the national rate, but in the period immediately following the Second World War the rates began to diverge, with Alberta recording a steadily increasing rate

of illegitimate births from 1945 to 1960 as compared with the national rate. In the five years 1961-1965, however, the Alberta rate jumped 2.4 per cent in contrast to the national increase of 1.4 per cent. Between 1961 and 1970, the average rates of illegitimate births increased dramatically both in Alberta and in Canada generally -- an increase of 4.2 per cent in Alberta and 3.3 per cent in Canada; despite the substantial increase in the national rate, the Alberta rate increase was still greater. These statistics reflect the dramatic increase in illegitimate births in Alberta during this decade and attest to the salience of illegitimacy as a social policy issue.

The increase in illegitimacy rates immediately following the Second World War is consistent with the general sociological observation that illegitimacy increases in immediate post-war years. The dramatic increase between 1960 and 1970 is also partly explicable by the fact that illegitimacy tends to be high during periods of economic prosperity; the increase may also be partly attributable to shifting social mores, particularly the liberalization of social attitudes towards sexual relationships and the emergence of a distinctive youth culture with strong norms for informal sexual relationships.

RECENT TRENDS (1961-1971)

There is, however, some evidence that illegitimacy rates may be declining. Table 2 compares the rates for Canada with those for the three western provinces, Alberta, Saskatchewan and British Columbia, for each of the years 1961-1971. For Canada and Alberta the illegitimacy rate peaked in 1970 and declined in 1971; in British Columbia the rate peaked in 1969 and has since declined;

in Saskatchewan the rate (on the basis of these statistics) has not yet started to decline. It is instructive to note that Alberta has the lowest illegitimacy rate of these three provinces but is still above the national average.

TABLE 2.

ILLEGITIMACY RATES, CANADA AND WESTERN PROVINCES
1961-1971 (Per Cent of Live Births)

	Canada	Alberta	Saskatchewan	British Columbia
1961	4.5	6.2	5.9	6.9
1962	4.8	6.6	5.9	7.4
1963	5.3	7.1	6.7	8.2
1964	5.9	8.3	7.4	9.5
1965	6.7	9.8	8.6	11.1
1966	7.6	10.5	10.1	12.1
1967	8.3	11.5	10.6	12.7
1968	9.0	12.0	11.8	13.4
1969	9.2	12.3	11.8	13.8
1970	9.6	12.8	13.5	13.7
1971	9.0	11.9	14.1	12.2

Source: Statistics Canada

Illegitimacy Rate and Therapeutic Abortions

While knowledge of modern contraception and practice of birth control may in part contribute to the apparent reduction of illegitimacy, it is more likely that the liberalized policy on abortion is largely responsible for the reduction of the illegitimacy rate in 1971. In Alberta, for example, the number of therapeutic abortions performed in Alberta hospitals in 1970 totalled 1,050.

In 1971, the number tripled to 3,169 and in 1972 it rose again to 4,002[1]. While it is certainly true that therapeutic abortions are not confined to unmarried women, it seems reasonable to conclude that the availability and social acceptability of induced abortion as a means of terminating unwanted pregnancies is beginning to affect the illegitimacy rate and probably will continue to do so.

Illegitimacy Rate and Surrenders

Associated with the increase in therapeutic abortions in Alberta is the reduction in the number of children being surrendered for adoption. Figure 1 on the next page shows the trends in surrenders accepted, therapeutic abortions and illegitimate births. The number of children surrendered to the Child Welfare Branch peaked in 1969 and then started to decline, with the decline accelerating after 1970. It is noteworthy that the number of therapeutic abortions increased dramatically and the number of illegitimate births dropped markedly during 1970 and thereafter. This suggests that therapeutic abortions are reducing the number of illegitimate births, which in turn reduces the number of children surrendered for adoption -- this explanation is, however, only tentative. Indeed there may well be, and probably are, other factors at work, notably the increasing number of unmarried women keeping their babies rather than surrendering them for adoption. This trend is probably reflected in the marked decline in surrenders.

SUMMARY

In general the illegitimacy rate in Alberta has exceeded that for Canada as a whole. At present Alberta seems to have the lowest rate of the three

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[1] Data supplied by Statistics and Research Division, Alberta Hospital Services Commission, Edmonton, Personal letter dated August 29, 1973.

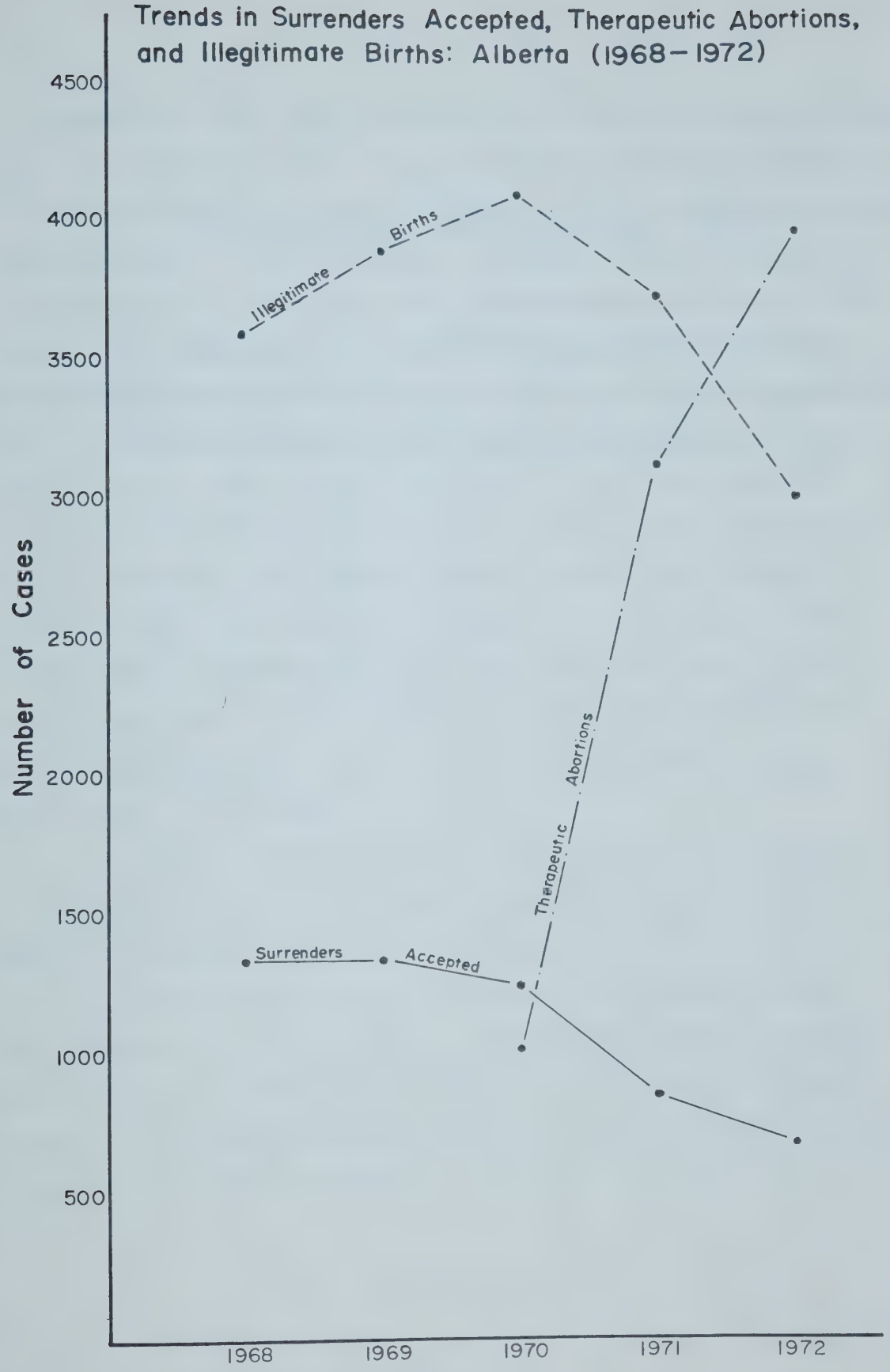
Trends in Surrenders Accepted, Therapeutic Abortions, and Illegitimate Births: Alberta (1968–1972)
Number of Cases
4500
4000
3500
3000
2500
2000
1500
1000
500
Illegitimate Births
Therapeutic Abortions
Surrenders Accepted
1968
1969
1970
1971
1972

Figure 1

western provinces but higher than the national average. While the number of illegitimate births is declining rapidly and the number of children being surrendered for adoption is also declining, the number of therapeutic abortions being conducted in Alberta hospitals is increasing sharply. Thus there appears to be a relationship between declining illegitimate birth and child surrender rates and an inclining therapeutic abortion rate. The decline in child surrenders, however, may also in part be a function of the rising numbers of unmarried women who are choosing to retain rather than surrender their babies.

IV.

PUBLIC ATTITUDES TOWARD ILLEGITIMACY

What, then, are the attitudes of Albertans towards illegitimacy? Are prevailing attitudes congruent with provincial laws respecting illegitimacy? To what extent do Albertans seem willing to accept fundamental changes in illegitimacy laws? These are the central questions this section addresses. To answer these questions, to assess prevailing public opinion regarding illegitimacy, required the specification of more precise questions; these are reflected in the data collection instrument (Appendix B). Specifically, these questions sought to establish public attitudes towards illegitimacy in terms of relationships between parties involved in the illegitimacy situation, the rights and responsibilities of each party in the situation, and the social issues involved in illegitimacy.

In analyzing respondent attitudes, responses to each question were cross-tabulated with a set of background variables to identify variations in responses by subsamples. The background variables used included: sex, age, marital and parental status, occupation, denomination and church attendance, income, education, and size of community. In general, variations in subsample responses are deemed noteworthy where a 10 per cent difference occurs between responses. In these cases such variations are described. Otherwise the absence of noteworthy variations is recorded.

RELATIONSHIPS

1. *Presuming the mother is keeping her child, do you feel that there should be a difference between a legitimate child and an illegitimate child in terms of the relationship with his mother?*

Yes	4%
No	95%
Don't know or no opinion	1%

(Number of Respondents (N) =997)

The response to this question is unequivocally clear. The overwhelming majority (95 per cent) of respondents say that there should be no difference between a legitimate child and an illegitimate child in terms of his relationship with his mother. In the opinions of the respondents, the illegitimate child should enjoy the same relationship -- legal, social, and psychological -- with his mother as does a legitimate child. In short, there should be absolutely no distinction in the maternal relationship of children based upon their birth status.

There are no noteworthy variations among subsample responses.

2. *Presuming the mother is keeping the child and the father can be identified, do you feel that there should be a difference between a legitimate child and an illegitimate child in terms of the relationship with his father?*

a)	No.	66%
b)	Yes (no reason).	7%
c)	Yes, only if the father wants the relationship.	3%
d)	Yes, only if the mother agrees to the relationship.	3%
e)	Yes, only if both agree to the relationship.	7%
f)	Yes, a different relationship if the mother remarries.	0%
g)	Yes, same relationship only if father assumes some financial responsibility for the child.	4%
h)	Yes, relationship with child only if he marries the mother.	3%
i)	Yes, father's relationship is unnecessary.	1%
j)	Yes, other.	3%

k) Don't know or no opinion. 2%* (N=995)

This question concerns the illegitimate child's relationship with his father. Two-thirds (66 per cent) of respondents say there should be no difference between a legitimate child and an illegitimate child in his paternal relationship. A little less than a third (31 per cent) say there should be a difference under certain conditions -- for example, the largest group (7 per cent) say that there should be a difference in the illegitimate child's paternal relationship unless both mother and father agree to the father's having a normal relationship with the child.

Variation in subsamples is slight. The most apparent difference in response to this question concerns the denomination of respondents. Seventy-two per cent of Anglican and the same proportion of Jewish respondents say there should be no difference in the illegitimate child's paternal relationship, whereas 41 per cent of Fundamentalist and Evangelical respondents say there should be a difference.

Commentary:

There is virtual unanimity among respondents that the illegitimate child should have the same relationship with his mother that the legitimate child enjoys. There is less agreement among respondents regarding the illegitimate child's paternal relationship. Still, fully two-thirds of the respondents say that the illegitimate child should have the same paternal relationship as the legitimate child; one-third say there should be a difference under certain conditions. On balance, responses to these two questions seem to oppose differences in both maternal and paternal relationships between children on the basis of their birth status.

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*In this and other following tables the percentages do not always add to 100 per cent. This is due to rounding.

RIGHTS AND RESPONSIBILITIES

The rights at issue in the illegitimacy situation are those of the father, the mother, and the child. The responsibilities in question, since the child is dependent, are those of the father, the mother, and the state.

RIGHTS OF THE FATHER AND THE MOTHER

3. *Which one of the following statements best reflects your attitude concerning the rights of the father of an illegitimate child? (ASSUME that the parents are both single, are living apart from each other, and that the father is not paying any support for the child.)*

a)	He should have no legally recognized or enforceable rights concerning his illegitimate child.	33%
b)	He should have the same rights concerning his illegitimate child that he would have concerning a legitimate child.	30%
c)	He should have some limited rights, such as the right to be notified of legal proceedings (e.g. adoption, delinquency) or medical treatments, etc. affecting the child.	35%
d)	Don't know or no opinion.	2% (N=995)

This question directs attention to the rights of the father in respect of his illegitimate child. At present in Alberta the father of an illegitimate child has no readily ascertainable rights in respect of that child; so his situation is covered by alternative "a".

Inspection of the percentages of responses for each alternative reveals no clear pattern or consensus among respondents. Respondents seem to be evenly divided between the three options: no rights, some rights, and limited rights. Moreover, there is no noteworthy variation in responses among subsamples.

4. *Which one of the following statements best reflects your attitude concerning a father's right to visit his illegitimate child? REMEMBER PLEASE, that we are assuming that the father is a reasonably normal fellow.*

a)	He should be allowed to visit the child, even if he is not paying support for the child, and the mother objects.	3%
b)	He should be allowed to visit the child if he is paying adequate support for the child, even if the mother objects.	31%
c)	He should only be allowed to visit the child if he is paying adequate support for the child, and if the mother agrees.	32%
d)	He should have any visiting rights that he and the mother agree upon, even if he is not paying support.	29%
e)	He should never be allowed to visit the child.	3%
f)	Other qualifications.	1%
g)	Don't know or no opinion.	1% (N=997)

This question concerns the father's right to visit his illegitimate child and consequently to establish a personal relationship with the child. Since Alberta law currently does not accord any rights to the father of an illegitimate child, he does not have the right to visit as the law now stands.

As in the preceding question, responses divide fairly evenly between three alternatives. These alternatives do not differ on whether the father should have the right to visit -- in effect, 95 per cent of respondents seem to agree that the father should have the right to visit his illegitimate child; they differ on the terms and conditions affecting the exercise of his right.

The only noteworthy variation in responses to this question relates to the age of respondents: the proportion of respondents preferring the first three alternatives increases directly with age. The tendency is slight in the case of alternatives "a" and "b", but in the case of "c" the proportion preferring this alternative rises directly from 18 per cent of respondents under 21 years of age to 45 per cent of those over 65 years of age. Conversely, in the case of alternative "d", the mutual consent alternative, the proportion of

respondents decreases directly with age: from 40 per cent of those under 21 to 13 per cent of those over 65.

5. *Should the father and mother of an illegitimate child have the same rights regarding custody of the child?*

Yes	52%	
No	42%	
Don't know or no opinion	6%	(N=987)

Custody of an illegitimate child is a crucial issue. At present Alberta law makes the mother of the illegitimate child the sole legal guardian of that child. Hence the father has no claim to custody. This question raises the issue of equal rights for the father and mother of an illegitimate child in the matter of custody.

Clearly, more than half of the respondents (52 per cent) say that the father and mother of an illegitimate child should have the same rights to custody of that child -- a more lenient approach to the father's rights than the law now allows. The distribution of responses is fairly even, with a slight edge in favour of equal rights for both parents. There are no noteworthy variations in responses on the basis of respondent sex, age, occupation, income, or size of community. There is a slight trend in favour of equal rights among respondents who are separated or divorced with children, who are United, Presbyterian or Methodist and who attend church frequently, and who have university education.

6. *IF NO, assume that the mother of an illegitimate child is either unwilling or unable to keep the child, and the father is willing and able to keep him. Which one of the following statements best reflects your attitude concerning the father's right to custody of an illegitimate child?*

a)	He should not be given custody under any circumstances.	7%	
b)	He should be given custody of the child only where the mother agrees.	31%	
c)	He should be given custody of the child, even where the mother objects.	51%	
d)	He should be entitled to custody of the child only if he marries the mother.	8%	
e)	Other.	2%	
f)	Don't know or no opinion.	1%	(N=414)

This question follows directly from the preceding one and asks those who denied the father's right to custody in that question to indicate their attitude to paternal custody when the mother is either unwilling or unable to keep the child. The large majority of respondents (90 per cent) clearly affirm that under these circumstances the father should be given custody of his child; they differ, however, on the conditions attached to paternal custody. Half of the respondents would give the father custody over the mother's objections; another third would make paternal custody dependent upon maternal agreement.

No clear pattern of responses is discernible among subsamples. In general, proportions of respondents in each category remain constant when other socio-economic characteristics of respondents are cross-tabulated with responses.

7. *Do you feel that the mother of an illegitimate child should have custody of the child only when her fitness as a parent has been determined by appropriate authorities?*

a)	Yes.	22%	
b)	Yes, for the protection of the child.	27%	
c)	Yes, if someone files a complaint.	3%	55%
d)	Yes, all mothers of illegitimate children should be screened for fitness.	3%	
e)	No.	21%	
f)	No, because a mother has a right to keep her child.	9%	
g)	No, because judgment of authorities may not be trustworthy.	5%	40%
h)	No, not unless all mothers are tested for fitness.	5%	

i) Don't know or no opinion. 5% (N=993)

Alberta law currently does not require a fitness test as a precondition for maternal custody of an illegitimate child. The mother is the sole legal guardian of that child. Yet 55 per cent of respondents agree with the idea of making maternal custody dependent upon assessed fitness as a parent; 40 per cent oppose the idea. Of those agreeing with the idea of a fitness test, the largest group (27 per cent) justify their response in terms of the protection of the child; of those opposing the idea, the largest group (21 per cent) simply reject it without giving a reason. Although the majority in favour of the fitness test is not overwhelming, reasonable confidence can be placed in the conclusion that it accurately reflects the majority opinion.

These variations in responses by subsamples are noteworthy: 64 per cent of respondents over 40 advocate a fitness test in contrast to 53 per cent of respondents under 40 -- revealing a slight direct relationship between age of respondent and advocacy of the test. Advocacy of the fitness test also appears directly related to frequency of church attendance: of those respondents who attend church frequently (weekly or every time), 62 per cent of Roman or Greek Catholic respondents, 66 per cent of United, Presbyterian or Methodist respondents, and 70 per cent of Anglican respondents agree with the idea of the test; of those in the same denominational groupings who attend church infrequently (seldom or never), the corresponding percentages are 47, 55 and 56 respectively. Sixty-eight per cent of those with elementary education advocate the test in contrast to 56 per cent of those with secondary education, 58 per cent of those with vocational training, and 54 per cent of those with university education.

8. *Do you feel that the mother of an illegitimate child should have the right to determine her child's religious upbringing when she gives the child up for adoption?*

a)	Yes (unqualified).	10%	
b)	Yes (qualified).	3%	
c)	No (unqualified).	80%	
d)	No (qualified).	5%	
e)	Don't know or no opinion.	3%	(N=997)

Alberta law currently gives the mother of an illegitimate child the qualified right to determine her child's religious upbringing when surrendering the child for adoption. At the moment the mother of an illegitimate child may specify the religious denomination or faith she would prefer the child to be brought up in. The mother's statement of preference is binding upon the Director of Child Welfare for a period of six months, unless the Minister certifies his satisfaction that the provision should be waived in the best interests of the child.

Should the mother have this right? The attitudes of respondents are unequivocally clear -- fully 85 per cent of respondents reject the idea that the mother should have the right to determine her child's religious upbringing when she surrenders the child for adoption. Five per cent of these respondents qualify their response in some way, while still rejecting the idea of such a right.

Only slight variation emerges in subsample responses to this question. While 85 per cent of respondents say "no" (alternatives "c" and "d" combined), 97 per cent of the students in the sample say no, and only 68 per cent of Roman or Greek Catholic respondents who attend church frequently say no. Otherwise, no relationships are evident and no other variations are noteworthy.

9. *If the father of an illegitimate child does not leave a will, which <u>one</u> of the following statements best reflects your attitude?*

a)	The illegitimate child should receive the same inheritance as a child of legitimate birth, providing the father has no legitimate children.	10%
b)	The illegitimate child should receive the same inheritance as a child of legitimate birth, whether or not the father has any legitimate children.	65%
c)	The illegitimate child should only inherit enough to cover his basic needs until he becomes self-supporting.	17%
d)	The illegitimate child should not inherit from his father under any circumstances.	4%
e)	Don't know or no opinion.	4% (N=997)

This question directs attention to whether an illegitimate child should inherit from the estate of his father when his father dies intestate. The overwhelming majority of respondents, fully 92 per cent, agree that an illegitimate child should inherit from his intestate father's estate. Respondents seem to differ, however, on the extent of the inheritance he should receive. Two-thirds say he should receive the same inheritance as a child of legitimate birth, whether or not the father has any legitimate children; 10 per cent say the child should receive the same inheritance as a child of legitimate birth, providing the father has no legitimate children; and 17 per cent say he should only inherit enough to cover his basic needs until he becomes self-supporting. Thus the majority of respondents believe that the illegitimate child is entitled to a share of his intestate father's estate <u>equal</u> to the share of a legitimate child.

Variation in subsample responses is slight. There is some evidence of a slight tendency for advocacy of equal inheritance for the illegitimate child to rise directly with income level of respondent: from 61 per cent of

respondents with annual incomes less than $5,999 to 70 per cent of respondents with annual incomes in excess of $15,000.

10. *Do you feel that the illegitimate child should have the right to the same natural ties to his father and relatives on his father's side as the legitimate child, where the mother keeps the child?*

a)	Yes (no qualifications).	42%	
b)	Yes, if mother agrees/wants.	10%	
c)	Yes, if father agrees/wants.	5%	
d)	Yes, if father's relatives agree/want.	4%	
e)	Yes (some combination of b, c and d).	22%	
f)	Yes, other.	3%	
g)	No (no qualifications).	10%	
h)	No (any qualifications).	0%	
i)	Don't know or no opinion.	4%	(N=997)

Should the illegitimate child have the right to the same familial ties with his paternal family as the legitimate child, where the mother keeps the child? The majority (86 per cent) of respondents say "yes" he should have this right. These respondents differ as to the conditions upon which the exercise of this right should depend: 42 per cent say the right should be unqualified; 15 per cent say it should depend on the mother's wishes; 5 per cent say it should depend on the father's wishes, while another 4 per cent say it should depend on the wishes of the father's family; 22 per cent say it should be some combination of the wishes of the mother, father and the father's family. Overall, however, respondents overwhelmingly affirm the right of an illegitimate child to the same natural ties to his paternal family as the legitimate child enjoys.

Variation in subsample responses occurs in terms of age, income and schooling. There is a tendency for the proportion of respondents to say "yes with qualificiations" (alternatives "b" to "f") to decrease directly as their age increases: thus 49 per cent of those under 21 decreases to 36 per cent of

those over 65; at the same time the proportion of those giving an unqualified "yes" rises from 40 per cent of those under 21 to 49 per cent of those over 65. Support for unqualified natural ties to the paternal family thus appears greatest amongst older respondents. A noteworthy relationship is evident in terms of income level and response to this question. First, the proportion of respondents giving a qualified "yes" response increases directly as income level rises: thus 38 per cent of those with incomes under $5,999 rises to 51 per cent of those with incomes in excess of $15,000. There is also a tendency for the proportion of those giving an unqualified "yes" to decrease directly as income increases: from 46 per cent of those with incomes under $5,999 to 38 per cent of those with incomes in excess of $15,000.

Finally, the propensity to give both unqualified and qualified "yes" responses is related to the educational level of the respondents. The propensity to give an unqualified "yes" response is inversely related to educational level: 51 per cent of those with elementary education give this response in contrast to 30 per cent of those with university education. Conversely, the propensity to qualify an affirmative response is directly related to level of education: thus 31 per cent of those with elementary education qualified their "yes" response in contrast to 59 per cent of those with university education. The direction of relationships here corresponds to that with income which is compatible with the long-established correlation between education and income. Clearly, therefore, those with higher incomes and educational levels tend to quality their agreement that the illegitimate child should have the right to the same natural ties to his father and relatives on his father's side as the legitimate child; those with lower incomes and educational levels tend to give unqualified support to the proposition.

11. *Do you feel that the illegitimate child should have the right to the same natural ties to both his mother and father as a legitimate child, where he is adopted?*

a)	Yes (no qualifications).	28%	
b)	Yes, if adoptive parents agree/want.	13%	
c)	Yes, if mother agrees/wants.	0%	
d)	Yes, if father agrees/wants.	0%	
e)	Yes (some combination of b, c and d).	4%	
f)	Yes, other.	2%	
g)	No (no qualifications).	48%	
h)	No (any qualifications).	1%	
i)	Don't know or no opinion.	4%	(N=997)

In current practice an illegitimate child surrendered for adoption loses his claim to natural ties with both his mother and father. The act of surrender severs those ties. This question asks whether the illegitimate child should have the right to the same natural ties to both his mother and father as a legitimate child, where he is adopted.

Responses to this question reveal the respondents are closely split: 47 per cent say "yes", with 19 per cent qualifying their responses; 49 per cent say "no" with 1 per cent qualifying their responses.

Some variation occurs in subsample responses. A larger proportion of respondents with children who are separated or divorced now (59 per cent) or widowed (60 per cent) say "no" to this question, than for the whole sample. Similarly, 64 per cent of Fundamentalist or Evangelical respondents who attend church frequently say "no"; in contrast, only 36 per cent of those with no religious background or who are not members of a denomination say "no".

12. *Do you feel an illegitimate child should have the right to know his ancestral and ethnic background: (If he asks)*

(a) Where the mother keeps the child?

Yes	92%	
No	6%	
Don't know or no opinion	2%	(N=995)

Where the mother keeps the child, the vast majority of respondents (fully 92 per cent) say that the illegitimate child should have the right to know his ancestral and ethnic background.

The only noteworthy variation in subsample responses here relates to respondent age. As the age of respondents increases, the proportion of those saying "yes" decreases: from 93 per cent of those under 21 to 87 per cent of those over 65 years of age.

(b) Where he is adopted?

Yes	75%	
No	22%	
Don't know or no opinion	4%	(N=987)

Where the child is adopted the proportion of respondents saying "yes" drops to 75 per cent, but this is still a large majority of respondents. So it seems safe to conclude that an illegitimate child should have the right to know his ancestral and ethnic background, where he is adopted.

Noteworthy variations in subsample responses to this question relate to the age and income level of respondents. The proportion of respondents affirming that the illegitimate child should have the right to know his ancestral and ethnic background where he is adopted decreases directly as age and income increase: from 78 per cent of those under 21 to 66 per cent of those over 65; and from 78 per cent of those with incomes less than $5,999 to 72 per cent of those with incomes in excess of $15,000.

13. *Which one of the following statements best reflects your attitude concerning the responsibilities of the father of an illegitimate child?*

a)	He should have no legally recognized and enforceable responsibilities to his child.	13%
b)	He should have the same responsibilities that he would have to a legitimate child.	82%
c)	Don't know or no opinion.	4% (N=989)

The response to this question is unambiguously clear. Fully 82 per cent of respondents state that the father should have the same responsibilities to his illegitimate child that he has to a legitimate child.

Again, the only noteworthy variation in subsample responses emerges in terms of the age of respondents. The proportion of respondents affirming the same paternal responsibilities to an illegitimate child as to a legitimate child increases directly with age: 66 per cent of those under 21 respond affirmatively in contrast to 86 per cent of those over 65 years of age.

14. *Where the mother keeps her illegitimate child, which one of the following statements best reflects your attitude concerning financial support by the father where he can be certainly identified?*

a)	The father should pay full support for his illegitimate child.	23%
b)	The father should make the same contribution toward the support of his illegitimate child as he would for a legitimate child, after divorce.	60%
c)	The father should make a smaller contribution toward the support of his illegitimate child than he would for a legitimate child, after divorce.	8%
d)	The father of an illegitimate child should not be obliged to pay any support for the child at all.	6%
e)	Don't know or no opinion.	3% (N=997)

This question directs attention more specifically to the responsibility of the father for financial support. All except 9 per cent of respondents think the father should be responsible for financial support to some extent; they differ somewhat on the extent of support. Approximately one-quarter of respondents (23 per cent) think the father should pay full support for his illegitimate child; nearly two-thirds (60 per cent) think he should make the same contribution as he would for a legitimate child, after divorce; a small proportion (8 per cent) of respondents think he should make a smaller contribution; and only 6 per cent think he should not be obliged to pay any support at all. There is no doubt, however, in the opinions of respondents the father of an illegitimate child should pay support for the child.

Some variations in subsample responses emerge. Although the majority of respondents in each age category prefer alternative "b", the proportion of respondents over 65 years of age favouring "a" -- the full support option -- is nearly twice that for those under 65 (41 per cent to 21 per cent). Among Anglican respondents who attend church frequently, 75 per cent agree with alternative "b" in contrast to 60 per cent of those of this denomination who attend church infrequently. Only 49 per cent of those with incomes less than $5,999 select alternative "b" vs. 64 per cent in the $6,000-$14,999 range, and 63 per cent of those with incomes over $15,000. Respondents with elementary education are underrepresented in opting for alternative "b", only 44 per cent electing this alternative as against 62 per cent of those with secondary education, 66 per cent of those with vocational training and 60 per cent of those with university education. In terms of size of community, the largest proportion of respondents selecting alternative "b" (74 per cent) are town dwellers.

15. *Where the father cannot be identified, which one of the following statements best reflects your attitude regarding support of an illegitimate child?*

a)	The mother should be solely responsible for the support of her illegitimate child.	8%
b)	Welfare authorities should contribute to the support of an illegitimate child in his mother's care, where the mother cannot provide adequate support herself.	90%
c)	Don't know or no opinion.	2% (N=995)

This question taps public attitudes on the question of support for an illegitimate child where the father cannot be identified. The response is overwhelmingly clear -- 90 per cent of respondents think that welfare authorities should contribute to the support of an illegitimate child where the child is in his mother's care and where the mother cannot provide adequate support herself. In effect, responsibility for support under these circumstances lies with government.

There is a remarkable absence of variation in subsample responses to this question. No noteworthy relationships are evident, attesting to the high degree of consensus and homogeneity of opinion on this issue.

Commentary:

Public attitudes towards the rights of the mother and father of an illegitimate child seem mixed. There appears to be no consensus among respondents on the issue of paternal rights in general. Although the majority of respondents apparently think that the father should have the right to visit his illegitimate child, they differ on the conditions of this right. There is no consensus on whether the mother and father should have equivalent rights to custody of an illegitimate child, but where the mother cannot or does not want to keep the child, the consensus is that the father should be given custody.

The majority of respondents favour a fitness test as a precondition for maternal custody and oppose the idea that the mother should have the right to determine her child's religious upbringing when surrendering the child for adoption.

Attitudes towards the rights of the illegitimate child reflect fairly clear consensus. A large majority agree that the illegitimate child should have a right: to inherit from his intestate father's estate; to the same natural ties to his father and relatives on his father's side as the legitimate child where the mother keeps the child; and to know his ancestral and ethnic background if he wishes, both when the mother keeps the child and when he is adopted. Opinion is divided on whether the illegitimate child should have the right to natural ties with his mother and father when adopted.

Public attitudes towards the responsibilities of the father are unambiguously clear. The illegitimate child's father should have the same responsibilities towards this child as he has towards a legitimate child. In particular, he should be responsible for financial support for the child to some extent -- the majority of respondents setting the extent at the level a father would pay towards the support of a legitimate child after divorce.

Finally, in situations where the father cannot be identified and the mother cannot provide adequate support herself, the consensus is that welfare authorities should contribute to the support of the illegitimate child.

SOCIAL ISSUES

16. *Some people feel that eliminating distinctions between legitimate and illegitimate children will contribute to the breakdown of family life in Canada. Do you feel this way?*

Yes	16%	
No	76%	
Don't know or no opinion	8%	(N=996)

This question was designed to elicit respondent attitudes towards illegitimacy and the maintenance of family life in Canada. Seventy-six per cent of respondents do not feel that eliminating distinctions between legitimate and illegitimate children will contribute to the breakdown of family life in Canada; 16 per cent of respondents do feel this way. Clearly, therefore, most respondents do not view the elimination of distinctions as a threat to family life in Canada.

It is noteworthy that smaller proportions of respondents under 65 years of age (57 per cent) and of farmers (59 per cent) say "no" to this question; this suggests that the elimination of distinctions between legitimate and illegitimate children is seen as a threat by more respondents over 65 than those under 65, and by more farmers than those in the other occupational categories. In contrast, fully 90 per cent of United, Presbyterian and Methodist respondents who attend church frequently say "no" to this question. Moreover, the proportion of respondents saying "no" to the question increases directly with income and education: 68 per cent of those with incomes of less than $5,999 say "no", in contrast to 87 per cent of those with incomes over $15,000; 57 per cent of those with an elementary education say "no", in contrast to 84 per cent of those with university education. These apparent trends suggest that more respondents with lower incomes and lower educational backgrounds viewed the elimination of distinctions as a threat, in contrast to those with higher incomes and higher levels of education.

17. *Do you feel that discriminating against an illegitimate child will discourage sexual relations between unmarried persons? (extra-marital sex)*

Yes	8%	
No	85%	
Don't know or no opinion	7%	(N=997)

This question focuses on the effect of discriminating against an illegitimate child as a deterrent to sexual relations between unmarried persons. The weight of respondent opinion (85 per cent) falls clearly against the idea that such discrimination will discourage sexual relations between unmarried persons. Moreover, the proportion of respondents rejecting the idea rises directly with income level and education: from 78 per cent of those with annual incomes less than $5,999 to 92 per cent of those with incomes in excess of $15,000; from 71 per cent for those with elementary education to 92 per cent for those with university education.

18. *Do you feel that making more effort to identify fathers of illegitimate children and forcing them to be financially responsible for their children will discourage sexual relations between unmarried persons? (extra-marital sex)*

Yes	29%	
No	64%	
Don't know or no opinion	7%	(N=991)

Here the issue of deterrence arises in the context of making more effort to identify fathers of illegitimate children and forcing them to be financially responsible for their children. Again, the majority of respondents do not feel that such a procedure would in fact discourage sexual relations between unmarried persons. The "majority" in this case drops to nearly two-thirds (64 per cent) of the sample in contrast to 85 per cent in the preceding question. Evidently, one-third (29 per cent) of the sample in this case feels that such a procedure would be an effective deterrent.

Variation in subsample responses appears in terms of the age, marital and parental status, income level, education, and size of community of respondent. The majority (52 per cent) of respondents over 65 years of age say "yes" to this question, in contrast to those under 65 who say "no". In terms of marital and parental status, a noticeably larger number (45 per cent) of those respondents who were widows with children answer this question "yes", probably again reflecting the age factor. Again, direct relationships emerge between the income level and education of respondents and their responses: the proportion of respondents saying "no" increases directly with income level and with education -- from 53 per cent of respondents with incomes under $5,999 to 76 per cent of those with incomes over $15,000, and from 44 per cent of those with elementary education to 76 per cent of those with university education. Finally, 46 per cent of those living on farms say "no" (45 per cent agree with the idea that improved identification efforts and forced financial responsibility would deter sexual relations between unmarried persons) in contrast to 70 per cent of those living in Edmonton and Calgary -- thus there is a direct relationship between size of community and percentage of respondents saying "no" to this question.

19. *Do you feel that a child born of unmarried parents should be distinguished legally or socially from a child born of married parents?*

Yes	3%	
No	95%	
Don't know or no opinion	2%	(N=990)

A resounding "no"! Clearly the overwhelming majority of respondents do not feel that a child born of unmarried parents should be distinguished legally or socially from a child born of married parents.

20. *From a moral point of view, what is your attitude toward the mother of an illegitimate child? (ONE ILLEGITIMATE CHILD ONLY)*

a)	She has done something wrong and should suffer the consequences.	5%	
b)	She has done something wrong but should not have to suffer harsh consequences.	29%	
c)	She should not be blamed if she is a responsible mother.	26%	
d)	She needs guidance counselling or psychiatric help.	6%	
e)	It depends on her age.	4%	
f)	There is nothing wrong with what she has done.	17%	
g)	It depends on other conditions.	3%	
h)	Other response.	5%	
i)	Don't know or no opinion.	4%	(N=997)

This question raises the issue of morality and moral censure. The noteworthy feature of the responses is that they group around three moderate alternatives: "b", "c" and "f". If the percentages of responses in these alternatives are combined they account for 72 per cent of respondents: 29 per cent of respondents say the mother has done something wrong but should not have to suffer harsh consequences; 26 per cent say she should not be blamed if she is a responsible mother; and 17 per cent say there is nothing wrong with what she has done. Only 5 per cent of respondents prefer the harshest alternative "a" -- she has done something wrong and should suffer the consequences. This pattern of responses seems to suggest that public attitudes are more understanding and tolerant towards the mother of an illegitimate child than they are thought to be -- certainly, moral censure does not appear to have a large following.

There are no noteworthy variations in subsample responses.

21. *From a moral point of view, what is your attitude toward the father of an illegitimate child? (ONE ILLEGITIMATE CHILD ONLY)*

a)	He has done something wrong and should suffer the consequences.	10%	
b)	He has done something wrong but should not have to suffer harsh consequences.	20%	
c)	He is blameworthy only if he didn't love the girl.	3%	
d)	He needs guidance counselling or psychiatric help.	6%	
e)	He has done nothing wrong, but should be responsible for some support of the child.	18%	
f)	He should not be blamed if he helps support the child.	18%	
g)	There is nothing wrong with what he has done.	14%	
h)	It depends on other conditions.	3%	
i)	Other response.	5%	
j)	Don't know or no opinion.	5%	(N=997)

A companion question to the preceding one, this again raises the issue of morality and moral censure, but here it relates to the father. Here too, despite 10 per cent of respondents choosing the harshest alternative "a", the pattern of responses reflects a moderate position. Twenty per cent of respondents say the father has done something wrong but should not have to suffer harsh consequences; 18 per cent say he has done nothing wrong but should be responsible for some support of the child; a further 18 per cent say he should not be blamed if he helps support the child; and 14 per cent say there is nothing wrong with what he has done. Together, these four sets of responses account for 70 per cent of the respondents. Here, too, these responses suggest that the public in general holds pragmatic attitudes towards the father of an illegitimate child; clearly, moral censure is not endorsed by many.

Some variation appears here in subsample responses on the basis of age of respondents. The percentage of respondents choosing "a", the most censorious and punitive option, increases directly with the age of the respondent, from 4 per cent of those under 21 years of age to 16 per cent of those over 65

years of age. Similarly, the data show a direct relationship between age of respondent and the percentage of respondents saying that the father should not be blamed providing he supports the child; from 31 per cent of those under 21 to 40 per cent of those over 65 years of age.

22. *Do you feel that special punitive steps should be taken against any woman who bears two or more illegitimate children by different fathers? IF YES, what steps would you suggest?*

a)	No special punitive steps.	13%	
b)	Instruction on birth control methods.	29%	
c)	Sterilization.	13%	
d)	Take children away if she cannot support them.	12%	
e)	Imprisonment.	0%	
f)	Psychological counselling treatment.	19%	
g)	Let legal authorities decide.	8%	
h)	Other response.	2%	
i)	Don't know or no opinion.	4%	(N=997)

How should society respond to the woman who bears two or more illegitimate children by different fathers? What action, if any, should be taken against her? Should she be punished?

This question seeks to establish punitive sentiment among respondents towards the woman in this situation. Only 13 per cent of respondents say no special punitive steps should be taken. In effect, 83 per cent say some action should be taken; they differ, however, on what action. The largest groups prefer those actions which, while to some extent punitive, are more preventive or rehabilitative in nature -- 29 per cent of respondents favour giving the mother instruction on birth control and a further 19 per cent favour psychological counselling treatment. Eight per cent would leave the decision to legal authorities, while 12 per cent would take the mother's children away if she could not support them. Regarding the more punitive steps, 13 per cent favour sterilization and

none of the respondents favour imprisonment. There is, therefore, no consensus on what steps to take; the grouping of responses seems to suggest that respondents prefer measures designed to prevent recurrence of illegitimacy, rather than to punish the mother.

There is some variation in subsample responses. The percentage of respondents saying no special punitive steps should be taken decreases directly with age: from 22 per cent of those under 21 to 3 per cent of those over 65 years of age. The percentage of respondents saying the mother should receive instruction on birth control also decreases with age: from 40 per cent of those under 21 to 16 per cent of those over 65 years of age.

Variation also occurs on the basis of income level and education. The percentage of respondents saying the mother should receive instruction on birth control increases directly with income level and education: from 22 per cent of those with incomes under $5,999 to 37 per cent of those with incomes over $15,000, and from 16 per cent of those with elementary education to 34 per cent of those with university education. Conversely, the percentage of respondents advocating sterilization decreases directly with income level and education: from 19 per cent of those with incomes under $5,999 to 9 per cent of those with incomes in excess of $15,000, and from 17 per cent of those with elementary education to 9 per cent of those with university education.

23. *Do you feel that special punitive steps should be taken against any man who fathers two or more illegitimate children by different mothers? IF YES, what steps would you suggest?*

a)	No special punitive steps.	13%
b)	Instruction on birth control methods.	18%
c)	Sterilization.	15%
d)	Compel him to support the mother and child in each case.	26%

e)	Imprisonment.	1%
f)	Psychological counselling treatment.	13%
g)	Let legal authorities decide.	8%
h)	Other response.	0%
i)	Don't know or no opinion.	5%

This companion question to the preceding one raises the same issue, but this time in terms of the man who fathers two or more illegitimate children by different mothers. Here a similar overall response pattern is evident. Only 13 per cent of respondents say that no special punitive steps should be taken; 82 per cent of respondents favour some action but differ on the kind of action. The most preferred alternative (26 per cent) is for the father to be compelled to support the mother and child; 18 per cent favour instruction on birth control methods; 15 per cent favour sterilization; 13 per cent favour psychological counselling treatment; 8 per cent favour letting legal authorities decide; and only 1 per cent favour imprisonment. Here, again, there is some evidence of the attitude concerned with preventing the recurrence of illegitimacy rather than with punishing the father.

Only slight variation in responses is evident, again related to the age of respondents. The percentages of respondents saying no special punitive steps should be taken and saying that the father should receive instruction on birth control methods decrease directly with age of respondent: from 23 per cent of those under 21 years of age to 3 per cent of those over 65 years of age in the case of alternative "a", and from 22 per cent to 7 per cent in the case of alternative "b". In addition, the percentage of respondents selecting alternative "f" -- psychological counselling treatment -- increases directly with age: from 6 per cent of those under 21 years of age to 18 per cent of those over 65 years of age.

24. *Would you say that most illegitimate children are the result of a brief, casual relationship or of an extended relationship between the parents?*

a)	Brief casual relationship.	34%	
b)	Extended relationship.	13%	
c)	Both.	27%	
d)	Don't know or no opinion.	26%	(N=996)

This question seeks respondent attitudes towards the nature and duration of the relationship from which illegitimate children derive. The pattern of responses is self-explanatory. Clearly respondents are divided in their opinions. Indeed, it seems likely that respondents find this a difficult question to deal with -- fully 26 per cent say they don't know or have no opinion, and a further 27 per cent are evidently unable to distinguish between a "brief" and an "extended" relationship. Hence this question seems to have only marginal utility.

There is some evidence of a relationship between the age of respondents and the proportion saying that illegitimate children result from both brief and extended relationships: the percentage of respondents selecting this option decreases as age increases -- from 34 per cent of those under 21 to 25 per cent of those over 65 years of age. Otherwise, there are no discernible relationships.

25. *Do you think of children in common-law union families as illegitimate?*

Yes	31%	
No	63%	
Don't know or no opinion	6%	(N=997)

Children of common-law families are technically illegitimate as the law now stands. This question asks respondents whether they include these children in their definition of "illegitimate". The majority (63 per cent) of respondents evidently do not consider children of common-law unions as illegitimate.

Slight variation occurs here in subsample responses. Sixty-seven per cent of male respondents say "no" in contrast to 59 per cent of female respondents. There is some evidence that the proportion saying "no" increases with level of education: from 44 per cent of those with elementary education to 69 per cent of those with university education.

26. *And this was true when you were answering questions earlier dealing with illegitimate children?*

Yes	85%	
No	10%	
Don't know or no opinion	6%	(N=997)

This final question verifies the meaning ascribed by respondents to "illegitimate" children in their responses to earlier questions. Evidently, 85 per cent of respondents say that when they were answering earlier in the questionnaire they did use the definition of illegitimacy reflected in their answers to the preceding question.

In this case the percentage of respondents saying "yes" increases directly with age: from 75 per cent of those under 21 to 90 per cent of those over 65 years of age. The percentage of respondents saying "yes" also increases directly with level of education: from 79 per cent of those with elementary education to 92 per cent of those with university education. These relationships suggest that consistency in interpretation of "illegitimacy" increases directly with age and education.

Commentary:

Public attitudes on the social issues considered here are consistently moderate. The majority of respondents feel that eliminating distinctions between legitimate and illegitimate children will not contribute to the breakdown of

family life in Canada; that neither discriminating against illegitimate children nor making more effort to identify fathers of illegitimate children and forcing them to be financially responsible for their children will discourage sexual relations between unmarried persons; that a child born of unmarried parents should not be distinguished legally or socially from a child born of married parents; that neither the mother nor the father should be censured or punished, but should be understood and helped -- the father should, however, be required to provide financial support for the mother and child; and that if social action is to be taken in response either to a mother or father who have two illegitimate children by different mates, it should be preventive and rehabilitative rather than punitive in nature.

CONCLUSION

The survey reported here now makes it possible to answer the three questions posed at the beginning of this section: What are the attitudes of Albertans towards illegitimacy? Are prevailing attitudes congruent with provincial laws respecting illegitimacy? To what extent do Albertans seem willing to accept fundamental changes in illegitimacy laws?

Attitudes of Albertans

The attitudes of Albertans towards illegitimacy seem to be more moderate than extreme, more liberal than conservative, more preventive than punitive. Overall, respondents favouring a more liberal attitude towards the illegitimate child tend to be younger, with higher incomes and more education. Conversely, respondents favouring a more conservative approach tend to be older, with lower incomes and less education.

What is particularly remarkable is the extent to which there appears to be a common, province-wide, set of attitudes favouring liberalization of the law regarding illegitimacy. Albertans consistently affirm, in their responses, the principle of equality for illegitimate children vis a vis legitimate children -- equality expressed in terms of maternal and paternal relationships, paternal inheritance and familial ties, ancestral and ethnic background. They affirm a full equality for the illegitimate child, not because he is "illegitimate" but because he is a child. In effect, Albertans say that it is the mother and father who are and should be responsible for their actions in conceiving and bearing an illegitimate child; the child should not be stigmatized, discriminated against or treated as a "non-person" as a consequence. It is not his fault he was born, so he should not suffer the consequences of his parents' actions. Thus Albertans question the acceptability and utility of the very concept of "illegitimacy".

Congruence of Attitudes and Law

Judging from the responses to the survey, public attitudes are fundamentally incongruent with existing law respecting illegitimacy. While the law has remained substantially unchanged over time, public attitudes have clearly evolved far beyond the provisions of the law. The expressed concern of Albertans to extend full equality to the illegitimate child indicates the extent of the incongruence between attitudes and law.

Public Willingness to Change

If the responses reported here are a fair reflection of public opinion, there can be little doubt of the willingness of Albertans to see the laws respecting illegitimacy changed. Indeed, there appears to be a singularly favourable climate of public opinion at this time.

V.

PRINCIPLES TO GUIDE ACTION

The attitudes of Albertans towards illegitimacy and the status of the illegitimate child in Alberta reported in the preceding section provide one kind of knowledge for the policy-maker to consider when contemplating or planning changes in policy or legislation. But the policy-maker, besides knowledge of public attitudes, needs other knowledge as well to effect the transition from "what is" to "what ought to be". One form in which this knowledge comes is in principles to guide action.

Principles to guide action are essential to the process of formulating defensible social policy on any given issue. Principles are, in effect, statements of value -- statements expressing a conception of a desirable state, perhaps a conception of natural or legal justice. A principle and its corollaries form a template to shape the development of policy. Those outlined here reflect in large part the attitudes of Albertans as expressed in their survey responses. They also reflect general ethical and legal precepts. They are filtered through the author's mind, so care must be taken to discern bias in selection, discussion or application of these ideas.

THE PRINCIPLE OF EQUALITY

The fundamental policy issue facing the Government of Alberta with respect to illegitimacy is whether or not to accord the illegitimate child full equality with the legitimate child. This issue has two dimensions. The first, and most important from the viewpoint of this study, concerns legal equality -- whether in law to treat "children" as equal members of a class of individuals irrespective of their birth status. The second dimension is related to and extends from the first and concerns equality of social opportunity -- whether the child born out of wedlock is to have his social opportunity constrained by his status, or whether he is to be granted full membership in the community with commensurate social opportunity.

LEGAL EQUALITY

For centuries the law has systematically discriminated against the child born out of wedlock; it has deliberately denied him equality. The law has, in effect, said that there are two kinds of child: the legitimate child -- the child born in wedlock, and the illegitimate child -- the child born out of wedlock. By distinguishing between children in this manner the law has explicitly recognized that the birth status of a child is a relevant and defensible basis for discriminating between children. Public attitudes reported in this study suggest that no longer is the birth status of a child relevant or defensible as a basis for classifying children. The majority of Albertans apparently think that the relevant and defensible consideration is not whether the child is born in or out of wedlock, but that he is a child and should be treated as an

equal member of the class of children. As a member of this class of individuals the out of wedlock child should be entitled to full legal equality with other members of the class, regardless of the circumstances or status of his birth. Hence:

> *The child born out of wedlock should have full legal equality with a child born in wedlock.*

Corollaries

Several corollaries follow directly from the application of the principle of equality to the legal status of the out of wedlock child. These corollaries correspond in general with the questions raised in the survey and reported in the preceding section of this report.

Relationships with Parents

Corollary 1: *The child born out of wedlock should enjoy the same legal relationship with his mother and her family as the child born in wedlock.*

Corollary 2: *Once paternity is established, the child born out of wedlock should enjoy the same legal relationship with his father and his family as the child born in wedlock.*

Substantive Rights of the Child

Corollary 3: *The child born out of wedlock should be entitled to the same quality of personal care and level of financial support from his mother and father as the child born in wedlock.*

Corollary 4: *The child born out of wedlock should have the same rights of inheritance in respect of his mother and father as a child born in wedlock.*

Rights and Responsibilities of Parents

To assure the legal equality of the out of wedlock child requires not only the affirmation of the child's rights but also the specification of the rights and responsibilities of the parents towards that child and towards each other. Here, too, the principle of equality applies.

Custody, Guardianship and Visitation: *The mother and father of a child born out of wedlock should have the same rights regarding custody, guardianship and visitation in respect of that child as they would have towards a legitimate child in similar factual circumstances, i.e. following legal separation or divorce.*

Responsibilities: *The mother and father of a child born out of wedlock should have the same responsibilities for the care and support of that child as they would have towards a legitimate child in similar factual circumstances, i.e. following legal separation or divorce.*

EQUALITY OF SOCIAL OPPORTUNITY

Traditionally, legal discrimination and social stigma have operated as major barriers to the illegitimate child's social opportunity. If legal discrimination is ended and legal equality accorded to the child born out of wedlock, this would go far in enhancing his social opportunity. Removing the grounds for legal discrimination is, however, only one side -- albeit a crucially important side -- of the coin. Social discrimination can persist even if legal discrimination ends. The attitudes of Albertans reported in the preceding section, however, suggest that social discrimination may no longer be as widespread and pervasive as it once was. Still it is necessary to affirm the principle of equal social opportunity. Hence:

The child born out of wedlock should have full equality of social opportunity with a child born in wedlock.

The crucial implication of this principle is that the birth status of a child should in no way be allowed to reduce his social opportunity, particularly in terms of education and employment. To assure full equality of social opportunity to the child born out of wedlock may require, for example, amendments to the Individual's Rights Protection Act including "birth status" as an indefensible basis for discriminating between individuals.

THE PRINCIPLE OF CHILD WELFARE

The second crucial principle relevant to policy respecting illegitimacy concerns the paramount importance of the child's welfare. Policy should be primarily concerned with assuring the welfare of the child -- his legal equality and social opportunity. This clearly implies that the interests of the parents should be secondary when doubt arises about the welfare of the child. Hence:

> *The welfare of the child should be a primary consideration in formulating policy or legislative revision concerning the child born out of wedlock.*

THE PRINCIPLE OF RIGHTS EQUAL TO RESPONSIBILITIES

The third principle relevant to policy respecting illegitimacy is that of "rights equal to responsibilities". Currently, the father of an illegitimate child, once paternity is established, can be compelled by court order to pay support for that child if the mother decides to retain the child. The decision to keep the child is hers alone; the father has no rights in regard to the child and so no voice in the decision. Thus he can have substantial financial

responsibility but he has no rights. This is basically unfair. Hence:

> *The rights of the father and mother of a child born out of wedlock should be equal to their responsibilities.*

CONCLUSION

The principles of equality, child welfare, and rights equal to responsibilities are essential guides to formulation of a defensible policy on children born out of wedlock. They guide action and enable the policy-maker to assess the extent to which proposed legislation meets the requirements of the principles.

VI.

TOWARDS REFORM: RECOMMENDATIONS

Should the laws respecting illegitimacy in Alberta be changed? Should the illegitimate child be accorded full legal equality with the legitimate child? Should the "birth status" of a child be deemed an indefensible and irrelevant basis for legal and social classification? Should the father of a child born out of wedlock have equal rights with the mother in respect of that child?

A strong affirmative case can be built in response to these questions. The case rests on two main arguments: the claim to justice and the evidence of public attitudes.

THE CLAIM TO JUSTICE

The claim to justice relates both to the illegitimate child and to his parents. Consider first the child's claim.

The Child's Claim

The claim of the illegitimate child to justice proceeds from the assumption that discrimination between members of a class of individuals can only be justified if the basis for discriminating is a relevant and defensible consideration and to the assertion that the "birth status" of a child is neither a relevant nor defensible consideration for such discrimination. Birth status,

like race, religious beliefs, colour, sex, ancestry or place of origin is a matter over which the child has no control and for which he should not be held responsible. A child's birth status should constrict neither his legal equality nor his social opportunity. Thus the current practice of legal discrimination against illegitimate children is fundamentally unjust because it distinguishes invidiously between children on the basis of their birth status.

The illegitimate child's claim to justice also derives from the obvious inconsistency between the current legal and social status of the illegitimate child and the intent and spirit of existing legislation affirming individual rights in Alberta. The Alberta Bill of Rights expressly affirms "... the right of the individual to equality before the law and the protection of the law". Does this Act apply to the illegitimate child in Alberta only in terms of his equality before the law with other illegitimate children or with all children irrespective of their birth status? Similarly, The Individual's Rights Protection Act, in its preamble, affirms that "... it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, age, ancestry or place of origin". It goes on to assure equality of social opportunity to Albertans by proscribing discrimination in a number of areas of social life on the basis of these personal characteristics. Should not equality of social opportunity also be assured to the illegitimate child by proscribing "birth status" as a basis for discrimination in social life?

Finally, the illegitimate child's claim to justice involves the ethical concept of individual responsibility. In our society an individual is generally deemed responsible for his actions and for those of others acting

under his authority. Discriminating against, stigmatizing or penalizing a child on account of the actions of his parents is reprehensible both because it is contrary to the concept of individual responsibility and because it is fundamentally unjust. Society may correctly hold the parents responsible for having a child out of wedlock; surely the child ought not to be accountable for the actions of his parents!

The Parents' Claim

As the law now stands, the mother of an illegitimate child has legal rights in respect of that child; the father does not. So the parents' claim to justice is really a claim to the same rights and responsibilities for the father and the mother with respect to that child that they would have towards a legitimate child in similar factual circumstances, i.e. following legal separation or divorce. Such a claim recognizes the valid interest of both parents in the welfare and future of the child. It would, for example, give both parents the same rights to custody, guardianship and visitation, and the same responsibilities for the child that they would have towards a legitimate child in similar circumstances. It would render it impossible for the mother alone to decide to retain or surrender the child for adoption. The father would have a valid legal interest in these decisions and their implications.

THE EVIDENCE OF PUBLIC ATTITUDES

The public attitudes reported in this study attest to the widespread belief among Albertans that the illegitimate child should be treated the same in law as the legitimate child -- he should have full legal equality. In effect, children should be treated as a class of persons irrespective of their birth

status. The pervasiveness of this attitude is a strong justification for changing the law. There is less consensus on the claim of the father to rights in respect of that child, but, applying the principle of equality to the father suggests that he should possess the same rights and responsibilities towards his illegitimate child that he would have to a legitimate child in similar factual circumstances.

CONCLUSION AND RECOMMENDATIONS

The main conclusions of this study are, then,

- Albertans generally favour the extension of full legal equality to children born out of wedlock.
- The attitudes of Albertans are generally more liberal than the law in respect to illegitimacy. So there is a gap between the law and prevailing attitudes.
- The climate of public opinion at this time seems favourable to changing the legal status of the illegitimate child.

On the basis of the foregoing analysis, the following are the recommendations of this study:

The Government of Alberta should introduce legislation

i. affirming full legal equality for all children irrespective of their birth status;

ii. specifying a procedure for establishing paternity;[1]

iii. affirming the same rights and responsibilities for the father and mother in respect of their out of wedlock child that they would have towards a legitimate child in similar factual circumstances;

iv. amending existing legislation, e.g. The Individual's Rights Protection Act, proscribing discrimination against an individual on the basis of his birth status.

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[1] While establishing paternity is essential to according full legal equality to the out of wedlock child, a procedure is required in some cases. This question is addressed by Anne H. Russell, "The Illegitimate Child in Alberta" (Edmonton: Department of Health and Social Development, October, 1973), mimeographed.

PUBLIC ATTITUDES TOWARD ILLEGITIMACY
IN ALBERTA

APPENDIX A

METHOD OF THE STUDY

PUBLIC ATTITUDES TOWARD ILLEGITIMACY
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APPENDIX A

METHOD OF THE STUDY

This appendix outlines the research procedures used in the survey of public attitudes. The discussion focuses on three central features of the research procedures: sample, data collection, and data analysis.

THE SAMPLE

Two main factors governed the selection of the sample. First, since the study was designed to tap the attitudes of adult Albertans, the sample was confined to those 18 years of age or older. Second, in order to be able to generalize respondent attitudes to the population of Alberta, the sample was to be representative of the provincial population.

Size of Sample

The first step was to determine the size of the sample. The initial decision was to select a base sample of 1500 persons. This number was considered sufficiently large to yield a representative sample (and derivatively a representative cross-section of attitudes towards illegitimacy) and to allow for refusals, vacant homes and untraceable respondents.

Steps in Sample Selection

The sampling procedure followed three main steps designed to yield a representative and systematically selected sample of respondents drawn from 1972 federal polling lists.

STEP 1: Selection of Federal Electoral Districts

All the federal electoral districts in Alberta were included except the Athabasca and Wetaskiwin electoral districts, the major portion of the Crowfoot electoral district, and all of the Palliser electoral district outside Calgary. These districts were excluded on the grounds that adjacent districts possessed similar socio-economic characteristics and thus probably reflected similar attitudes. The remaining electoral districts and parts thereof contained 3,900 polling divisions.

STEP 2: Selection of Polling Divisions

Seventy-five polling divisions were then selected from the 3,900 polling divisions. This was done by selecting the first polling divisions using a table of random numbers, and every 52nd polling division thereafter. These divisions were then plotted on a map of Alberta as a check on the adequacy of representation of rural areas, villages and towns, small and metropolitan cities. This procedure ensured a good representation of all sizes of communities. Since each polling division had a list of voters, this procedure yielded 75 lists from which to select respondents.

STEP 3: Selection of Respondents

The 75 polling lists were next categorized as metropolitan (Edmonton and Calgary); small city -- over 10,000 population -- (Lethbridge, Medicine Hat,

ed Deer, St. Albert and Grande Prairie); and towns, villages and rural areas all others). On the basis of the proportion of the provincial population falling into these categories, sampling ratios were then computed and applied o polling lists by category. Thus for "metropolitan" polling lists, after the irst name was selected using a table of random numbers, every 11th name was elected subsequently; for "city" lists, every 8th name, and for "rural" lists, very 10th name. Polling lists in each category were arranged in numerical order before the names of respondents were selected.

Actual Sample

This sampling procedure generated a sample of 1573 possible respondents. Of these, 13 Indians were deleted due to plans to draw a special Indian sample; 430 could not be contacted, either because they had moved leaving a vacant house or because the interviewers were unable to reach them at home, even after two callbacks. This reduced the sample to 1130 persons. A further 133 refused to answer the questionnaire, thus leaving 997 respondents who actually completed the questionnaire. This constituted a response rate of 89 per cent of the 1130 who were actually contacted and who were eligible.

Representativeness of the Sample

An assessment of the representativeness of the actual sample is necessary to establish the extent to which respondent attitudes may be validly generalized to the population of Alberta as a whole.

Due to incompatibility of categories it is not possible to compare the distribution of respondents on all the background variables with the provincial figures drawn from the 1971 Canada Census. It is, however, possible to get

some idea of the representativeness of the sample by comparing sample distributions with provincial distributions in terms of rural-urban, sex, marital status and religious denomination.

Inspection of Table 3 on the next page shows that town and rural residents were underrepresented, while small city and metropolitan residents were overrepresented. Male respondents were also underrepresented, as were single respondents. In terms of denominational affiliation, the sample rather closely matches the 1971 Census distribution.

There are probably two reasons why the sample characterisitics do not better fit those described in the census data. The first is that some types of respondents were harder to contact, to catch at home, and thus are underrepresented. Men, for example, were more often at work away from home. Rural residents were difficult to find at home because they were busy haying and harvesting during the interview period. (In addition, fewer callbacks were made on rural residents because of their inaccessibility and because of the reluctance of the predominantly female interviewers to make late evening callbacks.) Single people were also difficult to contact because they were able to be more "footloose" than married people, who often had children.

The second reason is that we are comparing 1973 data with 1971 Census data. It is well known that the village and rural component of the Alberta population is shrinking while the small city and metropolitan component is growing; thus by mid-summer 1973 the town-village-rural component was certainly less than it had been in June 1971 when the Census was taken. How much less, however, is not known.

In general, we can conclude that the percentage discrepancies, even for the town-rural component, do not exceed 9 per cent. Hence it is reasonable

TABLE 3.

COMPARISON OF RESPONDENTS WITH ALBERTA POPULATION BY RURAL-URBAN, SEX, MARITAL STATUS AND RELIGIOUS DENOMINATION
(In Percentage)

	Alberta Population 1971 Canada Census	Respondents
RURAL-URBAN		
Metropolitan (Edmonton & Calgary)	52.8	56.8
Small City (Lethbridge, Medicine Hat, Red Deer, St. Albert, Grande Prairie)	7.5	13.0
Towns, Villages and Rural Areas	39.5	30.2
SEX		
Male	50.8	44.6
Female	49.1	55.4
MARITAL STATUS		
Single	26.3	21.1
Married/Separated	66.2	68.2*
Widowed	5.5	6.6
Divorced	1.9	4.1**
RELIGIOUS DENOMINATION		
Roman or Greek Catholic	26.5	22.2
Orthodox	2.8	2.2
United, Presbyterian, Methodist	31.8	31.9
Anglican, Lutheran	18.6	24.8
Evangelical, Fundamentalist	10.6	10.4
Jewish, other Non-Christian	2.9	1.4
No Religion	6.6	4.7

* Excludes separated.
**Includes separated.

to conclude that the set of respondents are broadly representative of the population of Alberta and derivatively that the attitudes of these respondents broadly reflect the attitudes of the people of Alberta.

DATA COLLECTION

Data collection used the method of personal interviews with a carefully designed interview schedule. The schedule was developed as follows.

The first draft of the questionnaire was patterned after the instrument used by Krause in his 1968 Illinois study[1]. Several meetings and working sessions were held between staff members of the Department of Health and Social Development, the Institute of Law Research and Reform, Research Associates Ltd. and Dr. C. Hobart. The instrument was revised several times in an effort to devise questions which would elicit contemporary public opinion regarding the issues, without biasing the responses.

When a viable instrument was completed in early June 1973, a 3-day pilot survey was conducted in the Edmonton area. The purpose of this preliminary survey was to provide "in the field" training for the interview teams and to pre-test the questions for clarity and for comprehensiveness of precoded response alternatives. As a result of suggestions and criticisms made by interviewees and relayed by the interviewers, together with impressions reported by the interviewers, the questionnaire was redrafted.

On June 22, Dr. Hobart, Mrs. M. Shone of the Institute of Law Research and Reform, and Mrs. B. Downey of Research Associates Ltd., met with the Advisory

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1. Krause, Harry D. Illegitimacy: Law and Social Policy, p. 163-166.

Committee of the Department of Health and Social Development to discuss the results of the pilot survey and to discuss the design of the instrument. The questionnaire was carefully scrutinized by the Committee at that time. Suggestions for changes and additions were made and agreed upon. This revised schedule was also pre-tested, without subsequent modification. The instrument was then drafted in final form, approved by the Committee, and printed (see Appendix B).

Conduct of Interviews

A team of ten interviewers -- five from Edmonton and five from Calgary -- was hired after careful screening and selection. These interviewers were given an interviewer training course lasting five days. During this time, they were given lists of persons to interview -- to gain interviewing experience and to pre-test the schedule. Each day of interviewing was followed by a "post-mortem" session at which problems encountered were discussed, ambiguities clarified, and techniques for establishing rapport with respondents shared. The actual interviewing of respondents was carried out during July, August and early September, 1973.

Each address on the sample list was approached a maximum of three times. If the party named in the sample had moved, the new resident at the address was substituted. However, if no answer was received after an initial attempt and two callbacks, the interview was reported as "uncontactable". Where possible, landlords and/or neighbours were contacted to try to determine when the prospective interviewee might be available. Definite appointments were established in many cases where the initial interviewer contact was made at an inconvenient time.

Due to the fact that the survey was conducted during the summer months, and a fairly large portion of the sample was not contacted because of vacations, etc., a "telephone callback" procedure was established during early September in the major urban areas. (This was another factor in inflating the urban response rate.)

Native Sample

A concerted effort to obtain a representative sampling of the opinions of Native people in Alberta was made during September.

A special Native sample of ten Indian bands was drawn and the questionnaire was modified to make it more relevant to a reservation situation.

On August 29, 1973, letters were sent to the Chiefs of each of the ten bands outling the nature and purpose of the survey and expressing a strong desire to obtain Native opinion. An interview schedule was outlined for the week of September 10-17 and confirmation was requested. By September 10, no response had been received from any of the bands, although two affirmative replies were subsequently received.

Despite the lack of response the matter was pursued further and on September 12 and 14 each of the bands was contacted by telephone. In all instances except one, contact was made directly with the Chief. A second appointment schedule was arranged for the week of September 17 with nine of the ten bands. The Blood Band in Cardston indicated they would be unavailable during the week of September 17.

Even though telephone arrangements had been made, when the interviewer went into the field to conduct the interviews, his efforts were fruitless.

The first seven bands were visited at the appointed times, and in every instance the Chief and/or Band Council Members failed to appear. Consequently appointments with the remaining two bands on the sample list were cancelled.

In conclusion, it should be noted that a special effort was made to obtain a representative sample of Native opinion on illegitimacy, but due to lack of interest on the part of band representatives, the effort was abandoned. Hence the set of respondents does not include a representative sample of native opinion.

DATA ANALYSIS

The data yielded by the questionnaires were coded, key-punched and then submitted to computer analysis using Statistical Package for the Social Sciences data analysis programs. Initially, simple frequency distributions of responses to each question were calculated. Upon inspection of these distributions some variables were combined, some were collapsed and recoded. Then each of the questions on the questionnaire was cross-tabulated against each of the demographic and socio-economic background variables to permit identification of variations in subsample responses and relationships between characteristics of respondents and response patterns.

PUBLIC ATTITUDES TOWARD ILLEGITIMACY
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APPENDIX B

DATA COLLECTION INSTRUMENT

APPENDIX B

DATA COLLECTION INSTRUMENT

OPINION SURVEY

NAME OF INTERVIEWER..... DATE....., 1973

I- 1-4 Serial Number _____

I- 5 ☐ (00) Without responding mate
☐ (01) Husband with responding mate
☐ (02) Wife with responding mate

I- 6 Deck Number _____

I- 7 *SEX?* ☐ (01) Male
☐ (02) Female

I- 8 *WHICH AGE CATEGORY DO YOU FALL INTO?*

☐ (01) 18 - 21 ☐ (03) 40 - 65
☐ (02) 22 - 39 ☐ (04) Over 65

I- 9 *WHAT IS YOUR MARITAL STATUS?*

☐ (01) Never Married
☐ (02) Living Common-law
☐ (03) Married *(How long?*_____*)*
☐ (04) Separated NOW *(How long married?*_____*)*
☐ (05) Divorced NOW *(How long married?*_____*)*
☐ (06) Widowed NOW *(How long married?*_____*)*
☐ (00) No Information

I-10 *DO YOU HAVE ANY CHILDREN?*

☐ (01) Yes ☐ (02) No

I-11 *IF YES, HOW MANY OF THEM LIVE WITH YOU?*

☐ (01) none ☐ (06) 5
☐ (02) 1 ☐ (07) 6
☐ (03) 2 ☐ (08) 7
☐ (04) 3 ☐ (09) 8 or more
☐ (05) 4 ☐ (00) No Information

I-12 *ARE YOU CURRENTLY:*

☐ (01) Employed (Full time)
☐ (02) Employed (Part time)
☐ (03) Unemployed
☐ (04) Retired
☐ (00) No Information

I-13 *IF EMPLOYED, ARE YOU:*

☐ (01) Self-employed
☐ (02) Employed by others
☐ (00) No Information

I-14 -15 *WHAT IS YOUR OCCUPATION NOW OR WHEN YOU WERE LAST EMPLOYED? (For Women - last occupation in most recent or present marriage.)*

☐ (01) Professional
☐ (02) Managerial
☐ (03) Skilled White Collar
☐ (04) Clerical
☐ (05) Farmer
☐ (06) Skilled Labour
☐ (07) Semi-skilled Labour
☐ (08) Unskilled Labour
☐ (09) Service work
☐ (10) Sales work
☐ (11) Housewife
☐ (12) Student
☐ (13) _____
☐ (14) _____
☐ (15) Other (Specify_____)
☐ (00) No Information

I-16 *PLEASE INDICATE FROM THIS CARD YOUR TOTAL FAMILY INCOME CATEGORY.*

☐ (01) Under - $ 3,000 (Farmer)
☐ (02) Under - $ 3,000 (Other)
☐ (03) $ 3,000 - $ 5,999
☐ (04) $ 6,000 - $ 9,999
☐ (05) $10,000 - $14,999
☐ (06) $15,000 - $19,999
☐ (07) $20,000 and over
☐ (00) No Information

I-17 *HOW MUCH SCHOOLING HAVE YOU HAD?*

☐ (01) Elementary (0 to 8 yrs.)
☐ (02) Secondary (9 to 13 yrs.)
☐ (03) Some Vocational
☐ (04) Vocational completion
☐ (05) Some University
☐ (06) University to degree level
☐ (00) No Information

I-18 *WHAT IS THE ETHNIC ORIGIN OF YOUR FATHER'S FAMILY?*

- ☐ (01) English
- ☐ (02) French
- ☐ (03) Germanic & Scandinavian
- ☐ (04) Eskimo, Indian and Metis
- ☐ (05) Slavic
- ☐ (06) Other (Caucasian)
- ☐ (07) Other (Non-Caucasian)
- ☐ (00) No Information

I-19 *WHAT IS YOUR RELIGIOUS BACKGROUND?*

- ☐ (01) Roman or Greek Catholic
- ☐ (02) Orthodox
- ☐ (03) United, Presbyterian, Methodist
- ☐ (04) Anglican, Lutheran
- ☐ (05) Baptist and other Evangelical
- ☐ (06) Jehovah's Witness, Pentacostal, Salvation Army, other
- ☐ (07) 7th Day Adv., Mormon, Spiritualist
- ☐ (08) Jewish and other Non-Christian
- ☐ (09) None and non-members
- ☐ (00) No information

I-20 *ABOUT HOW OFTEN DO YOU ATTEND CHURCH?*

- ☐ (01) Weekly or every time
- ☐ (02) At least several times a year
- ☐ (03) Once or twice a year
- ☐ (04) Never
- ☐ (00) No Information

I-21 *WHAT IS THE SIZE OF THE PLACE OF RESIDENCE? (According to population)*

- ☐ (01) Farm or Country Residence
- ☐ (02) Small settlement of 1,000 or less
- ☐ (03) 1,001 to 2,500
- ☐ (04) 2,501 to 5,000
- ☐ (05) 5,001 to 10,000
- ☐ (06) 10,001 to 25,000
- ☐ (07) 25,001 to 300,000
- ☐ (08) Over 300,000

I-22 *HOW LONG HAVE YOU LIVED IN ALBERTA?*

- ☐ (01) Less than one year
- ☐ (02) 1 - 5 years
- ☐ (03) 5 - 10 years
- ☐ (04) Over 10 years, but not life long
- ☐ (05) Life long (include all but 5 yrs. or less)
- ☐ (00) No Information

POLLING DIVISION _____

I-23 *Presuming the mother is keeping her child, do you feel that there should be a difference between a legitimate child and an illegitimate child in terms of the relationship with its mother? IF YES, why?*

- ☐ (01) No
- ☐ (02) Yes (no reason)
- ☐ (03) Yes, she should not be permitted to keep the illegitimate child
- ☐ (04) Yes, because she has borne an illegitimate child
- ☐ (05)
- ☐ (06)
- ☐ (07) Yes, other _____
- ☐ (00) Don't know or no opinion

I-24 -25 *Presuming the mother is keeping the child and the father can be identified, do you feel that there should be a difference between a legitimate child and an illegitimate in terms of the relationship with its father? IF YES, why?*

- ☐ (01) No
- ☐ (02) Yes (no reason)
- ☐ (03) Yes, only if the father wants the relationship
- ☐ (04) Yes, only if the mother agrees to the relationship
- ☐ (05) Yes, only if both agree to the relationship
- ☐ (06) Yes, a different relationship if the mother remarries
- ☐ (07) Yes, same relationship only if father assumes some financial responsibility for the child
- ☐ (08) Yes, relationship with child only if he marries the mother
- ☐ (09) Yes, father's relationship is unnecessary
- ☐ (10)
- ☐ (11)
- ☐ (12) Yes, other _____
- ☐ (00) Don't know or no opinion

I-26 *Which one of the following statements best reflects your attitude concerning the responsibilities of the father of an illegitimate child?*

- ☐ (01) He should have no legally recognized and enforceable responsibilities to his child.
- → ☐ (02) He should have the same responsibilities that he would have to a legitimate child.
- ☐ (00) Don't know or no opinion.

IN ALL OF THE FOLLOWING QUESTIONS, WHERE THE FATHER OF AN ILLEGITIMATE CHILD IS REFERRED TO, PLEASE ASSUME THAT HE IS A REASONABLY NORMAL FELLOW.

I-27 *Which one of the following statements best reflects your attitude concerning the rights of the father of an illegitimate child? (ASSUME that the parents are both single, are living apart from each other, and that the father is not paying any support for the child.)*

- ☐ (01) He should have no legally recognized or enforceable rights concerning his illegitimate child.
- ☐ (02) He should have the same rights concerning his illegitimate child that he would have concerning a legitimate child.
- → ☐ (03) He should have some limited rights, such as the right to be notified of legal proceedings (eg. adoption, deliquency) or medical treatments, etc. affecting the child.
- ☐ (04) Don't know or no opinion.

I-28 *Which one of the following statements best reflects your attitude concerning a father's right to visit his illegitimate child. REMEMBER PLEASE, that we are assuming that the father is a reasonably normal fellow.*

- ☐ (01) He should be allowed to visit the child, even if he is not paying support for the child, and the mother objects.
- ☐ (02) He should be allowed to visit the child if he is paying adequate support for the child, even if the mother objects.
- ☐ (03) He should only be allowed to visit the child if he is paying adequate support for the child, and if the mother agrees.
- → ☐ (04) He should have any visiting rights that he and the mother agree upon, even if he is not paying support.
- ☐ (05) He should never be allowed to visit the child.
- ☐ (06)
- ☐ (07)
- ☐ (08) Other qualifications _____
- ☐ (00) Don't know or no opinion.

I-29 *Should the father and mother of an illegitimate child have the same rights regarding custody of the child?*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (00) Don't know or no opinion

I-30 *IF NO, assume that the mother of an illegitimate child is either unwilling or unable to keep the child, and the father is willing and able to keep it.*

Which one of the following statements best reflects your attitude concerning the father's right to custody of an illegitimate child?

- ☐ (01) He should not be given custody under any circumstances.
- ☐ (02) He should be given custody of the child only where the mother agrees.
- ☐ (03) He should be given custody of the child, even where the mother objects.
- → ☐ (04) He should be entitled to custody of the child only if he marries the mother.
- ☐ (05)
- ☐ (06)
- ☐ (07) Other _____
- ☐ (00) Don't know or no opinion.

I-31 *Do you feel that the mother of an illegitimate child should have custody of the child only when her fitness as a parent has been determined by appropriate authorities. Why?*

- ☐ (01) No
- ☐ (02) Yes
- ☐ (03) Yes, for the protection of the child
- ☐ (04) Yes, if someone files a complaint
- ☐ (05) Yes, all mothers of illegitimate children should be screened for fitness
- ☐ (06)
- ☐ (07)
- ☐ (08) Yes, other _____
- ☐ (00) Don't know or no opinion

I-32 *(Additional responses to Question I-31)*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (03) No, because a mother has a right to keep her child
- ☐ (04) No, because judgment of authorities may not be trustworthy
- ☐ (05) No, not unless all mothers are tested for fitness.
- ☐ (06)
- ☐ (07)
- ☐ (08) No, other _____
- ☐ (00) Don't know or no opinion

I-33 *Where the mother keeps her illegitimate child, which one of the following statements best reflects your attitude concerning financial support by the father when he can be certainly identified?*

- ☐ (01) The father should pay full support for his illegitimate child.
- ☐ (02) The father should make the same contribution toward the support of his illegitimate child as he would for a legitimate child, after divorce.
- ☐ (03) The father should make a smaller contribution toward the support of his illegitimate child than he would for a legitimate child, after divorce.

→

- ☐ (04) The father of an illegitimate child should not be obliged to pay any support for the child at all.
- ☐ (00) Don't know or no opinion.

I-34 *Where the father cannot be identified, which one of the following statements best reflects your attitude regarding support of an illegitimate child?*

- ☐ (01) The mother should be solely responsible for the support of her illegitimate child.
- ☐ (02) Welfare authorities should contribute to the support of an illegitimate child in its mother's care, where the mother cannot provide adequate support herself.

→

- ☐ (00) Don't know or no opinion.

I-35 *If the father of an illegitimate child does not leave a will, which one of the following statements best reflects your attitude?*

- ☐ (01) The illegitimate child should receive the same inheritance as a child of legitimate birth, providing the father has no legitimate children.
- ☐ (02) The illegitimate child should receive the same inheritance as a child of legitimate birth, whether or not the father has any legitimate children.
- ☐ (03) The illegitimate child should only inherit enough to cover its basic needs until it becomes self-supporting.

→

- ☐ (04) The illegitimate child should not inherit from its father under any circumstances.
- ☐ (00) Don't know or no opinion.

I-36 *Some people feel that eliminating distinctions between legitimate and illegitimate children will contribute to the breakdown of family life in Canada. Do you feel this way?*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (00) Don't know or no opinion

I-37 *Do you feel that discriminating against an illegitimate child will discourage sexual relations between unmarried persons? (extra-marital sex)*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (00) Don't know or no opinion

I-38 *Do you feel that making more effort to identify fathers of illegitimate children and forcing them to be financially responsible for their children will discourage sexual relations between unmarried persons? (extra-marital sex)*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (00) Don't know or no opinion

I-39 *Do you feel that the illegitimate child should have the right to the same natural ties to his father and relatives on his father's side as the legitimate child, where the mother keeps the child?*

- ☐ (01) Yes (no qualifications)
- ☐ (02) Yes, if mother agrees/wants
- ☐ (03) Yes, if father agrees/wants
- ☐ (04) Yes, if father's relatives agree/want
- ☐ (05) Yes (some combination of 02, 03 and 04)
- ☐ (06) Yes, other _____
- ☐ (07) No (no qualifications)
- ☐ (08) No (any qualifications)
- ☐ (00) Don't know or no opinion

I-40 *Do you feel that the illegitimate child should have the right to the same natural ties to both his mother and father as a legitimate child, where he is adopted?*

- ☐ (01) Yes (no qualifications)
- ☐ (02) Yes, if adoptive parents agree/want
- ☐ (03) Yes, if mother agrees/wants
- ☐ (04) Yes, if father agrees/wants
- ☐ (05) Yes (some combinations of 02, 03 and 04)
- ☐ (06) Yes, other _____
- ☐ (07) No (no qualifications)
- ☐ (08) No (any qualifications)
- ☐ (00) Don't know or no opinion

I-41 *Do you feel an illegitimate child should have the right to know his ancestral and ethnic background: (If he asks)*

Where the mother keeps the child?

- ☐ (01) yes
- ☐ (02) no
- ☐ (00) Don't know or no opinion

I-42 *Where he is adopted?*

- ☐ (01) yes
- ☐ (02) no
- ☐ (00) Don't know or no opinion

I-43 *Do you feel that the mother of an illegitimate child should have the right to determine her child's religious upbringing when she gives the child up for adoption?*

- ☐ (01) Yes (unqualified)
- ☐ (02) Yes (qualifications) _____
- ☐ (03) No (unqualified)
- ☐ (04) No (qualifications) _____
- ☐ (00) Don't know or no opinion

I-44 *Do you feel that a child born of unmarried parents should be distinguished legally or socially from a child born of married parents?*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (00) Don't know or no opinion

NOTE TO INTERVIEWER: FOR QUESTIONS I-45 to I-49, READ THE QUESTION BUT DO NOT READ THE ALTERNATIVES TO RESPONDENT - SIMPLY CODE THE RESPONSE IN THE APPROPRIATE CATEGORY.

I-45 *From a moral point of view, what is your attitude toward the mother of an illegitimate child? (ONE ILLEGITIMATE CHILD ONLY)*

- ☐ (01) She has done something wrong and should suffer the consequences.
- ☐ (02) She has done something wrong but should not have to suffer harsh consequences.
- ☐ (03) She should not be blamed if she is a responsible mother.
- ☐ (04) She needs guidance counselling or psychiatric help.
- ☐ (05) It depends on her age.
- ☐ (06) There is nothing wrong with what she has done.
- ☐ (07) It depends on other conditions.
  (Specify_____)
- ☐ (08) Other Response
  (Specify_____)
- ☐ (00) Don't know or no opinion.

I-46 *From a moral point of view, what is your attitude toward the father of an illegitimate child? (ONE ILLEGITIMATE CHILD ONLY)*

- ☐ (01) He has done something wrong and should suffer the consequences.
- ☐ (02) He has done something wrong but should not have to suffer harsh consequences.
- ☐ (03) He is blameworthy only if he didn't love the girl.
- ☐ (04) He needs guidance counselling or psychiatric help.
- ☐ (05) He has done nothing wrong, but should be responsible for some support of the child.
- ☐ (06) He should not be blamed if he helps support the child.
- ☐ (07) There is nothing wrong with what he has done.
- ☐ (08) It depends on other conditions.
  (Specify_____)
- ☐ (09) Other Response
  (Specify_____)
- ☐ (00) Don't know or no opinion.

1-47 *Do you feel that special punitive steps should be taken against any woman who bears two or more illegitimate children by different fathers? IF YES, what steps would you suggest?*

1-48 *Second Response*

- ☐ (01) No special punitive steps
- ☐ (02) Instruction on birth control methods
- ☐ (03) Sterilization
- ☐ (04) Take children away if she cannot support them
- ☐ (05) Imprisonment
- ☐ (06) Psychological counselling treatment
- ☐ (07) Let legal authorities decide
- ☐ (08)
- ☐ (09) Other Response (Specify_____)
- ☐ (00) Don't know or no opinion

1-49 *Do you feel that special punitive steps should be taken against any man who fathers two or more illegitimate children by different mothers? IF YES, what steps would you suggest?*

1-50 *Second Response*

- ☐ (01) No special punitive steps
- ☐ (02) Instruction on birth control methods
- ☐ (03) Sterilization
- ☐ (04) Compel him to support the mother and child in each case
- ☐ (05) Imprisonment
- ☐ (06) Psychological counselling treatment
- ☐ (07) Let legal authorities decide
- ☐ (08)
- ☐ (09) Other Response (Specify_____)
- ☐ (00) Don't know or no opinion

1-51 *Would you say that most illegitimate children are the result of a brief, casual relationship or of an extended relationship between the parents?*

- ☐ (01) Brief casual relationship
- ☐ (02) Extended relationship
- ☐ (03) Both
- ☐ (00) Don't know or no opinion

1-52 *Do you think of children in common-law union families as illegitimate?*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (00) Don't know or no opinion

1-53 *And this was true when you were answering questions earlier dealing with illegitimate children?*

- ☐ (01) Yes
- ☐ (02) No
- ☐ (00) Don't know or no opinion

INTERVIEWER: IF THE RESPONDENT VOLUNTEERS THE FOLLOWING INFORMATION, PLEASE CODE IT. BUT DO NOT ASK THE QUESTION.

I-54
- ☐ (01) Does not apply
- ☐ (02) Respondent has had an illegitimate child.
- ☐ (03) Respondent has had more than one illegitimate child.
- ☐ (04) Respondent is of illegitimate birth.
- ☐ (05) Respondent has lived or is living common-law.
- ☐ (06) (02) or (03) and (04)
- ☐ (07) (02) or (03) and (05)
- ☐ (08) (04)and (05)

REMARKS _____

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